IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4880 OF 1996

Shri Malleshappa Kallappa Kudri, .. Petitioner.
Vs
1. Union of India & ors. .. Respondents

Mr Sudhir C.Halli, for the petitioner. (absent).
Mrs P.S.Cardozo, AGP for respondent nos 2 to 4.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.
DATE : APRIL 13, 2006.

PC:

1. This petition was taken up for hearing yesterday. None was present for the petitioner. Today also none is present for the petitioner.

2. The petitioner claims to be entitled for freedom fighters' pension as he had participated in the Indian freedom movement. His claim was turned down by the respondents and, therefore, he has approached this Court for a direction to sanction the said pension to him.

3. The Section Officer from the General Administration Department, (Freedom Fighters Cell), Government of Maharashtra, has filed the affidavit-in-reply. It is stated that though the petitioner claimed that an arreast warrant was issued against him by the Nizam Government, he did not produce any original or a certified copy of the said warrant and as per the guidelines issued by the Government of India through their Circular dated 6.8.1980, persons who could not produce any evidence from official records in support of their claims of underground

suffering/externment/internment, will be eligible to apply for pension in case they would be able to get certificates in support of their claims of suffering from freedom fighters who had undergone imprisonment for more than five years. Relying on this provision, the petitioner had submitted the certificates from Shri M.D.Vibhute, a freedom fighter from Solapur who had undergone imprisonment for more than five years. The petitioner had also submitted two zerox copies of the certificates issued by freedom fighters who had taken part in the freedom movement and they were Shri Markandey Lachamayya Balla and Shri Sudramappa Revensidhappa Biddri, both residents of Solapur. However, the copies of these certificates were not attested by the competent authority and, therefore, when the High Power Committee met on 9.12.1987 it observed that the petitioner did not submit proper evidence in support of his claim of central prison and thus his case was not considered for recommending to the Central Government.

4. When the petitioner approached us in 1996 he was of 75 years of age. It is not the case of the respondents that the petitioner had not participated in the Indian freedom movement. As per the respondents, the petitioner could not comply with the requirements of submitting proper/attested documents and if that is so and looking at the age of the petitioner it would be necessary for the

Collector, Solapur to call on the petitioner and assist him in obtaining the required certificates. It is not sufficient for the Collector merely to forward the papers when it comes to the claim for freedom fighters pension. The Collector must extend a helping hand and ensure that all assistance is rendered to such persons. There is no material before us to prima facie believe that the petitioner's claim was false or frivolous.

5. We, therefore, direct the Collector, Solapur to approach the petitioner and obtain from him a fresh application and assist the petitioner in getting the required documents, i.e. copies of the fresh arrest warrant and also the certificates from the freedom fighters who had undergone five years of imprisonment or whoever sentenced to undergo such imprisonment. This shall be done as expeditiously as possible and in any case the Collector, Solapur will ensure that the petitioner's fresh application is submitted to the Government of Maharashtra within a period of eight weeks from the date of receipt of writ of this Court.

6. The petition is allowed in terms of the above directions. No costs.

Writ to go to the Collector, Solapur forthwith.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE,J.)**